

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 54

AN ACT to amend the Indiana Code concerning civil procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 34-6-2-3.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 3.3. (a) "Advertiser or sponsor", for purposes of IC 34-30-22, means a person who for political, commercial, educational, benevolent, or charitable purposes:**

**(1) donates or contributes money, materials, or products; or**  
**(2) pays fees to advertise or display trademarks;**  
**in connection with an event.**

**(b) The term does not include a person who exercises primary control over an event.**

SECTION 2. IC 34-6-2-44.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 44.3. "Event", for purposes of section 3.3 of this chapter and IC 34-30-22, means:**

- (1) a performance;**
- (2) a benefit;**
- (3) a fundraiser;**
- (4) an auction;**
- (5) a meal;**
- (6) a concert;**
- (7) a sporting event;**



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- (8) a festival;
- (9) a parade;
- (10) a reception;
- (11) a trade show;
- (12) a convention;
- (13) an educational program; or
- (14) another occasion organized by or for a federally tax-exempt organization.

SECTION 3. IC 34-30-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. Except as provided in section 2 of this chapter, a person who meets the following criteria is immune from civil liability resulting from any act or omission relating to the provision of health care services:

- (1) Has licensure to provide health care services under Indiana law.
- (2) Voluntarily provides without compensation health care services under IC 36-1-14.2 within the scope of the person's license to another person.
- (3) Provides the health care services at any medical clinic or health care facility that **provides health care services without charge and that:**
  - (A) purchases professional liability insurance under IC 36-1-14.2; ~~and or~~
  - ~~(B) provides the health care services without charge;~~
  - (B) is covered under 42 U.S.C. 233.**

SECTION 4. IC 34-30-22 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

**Chapter 22. Events: Immunity of Advertiser or Sponsor**

**Sec. 1. This chapter does not grant immunity from civil liability to the following:**

- (1) A person who engages in intentional, willful, wanton, or reckless behavior.
- (2) A person who contractually assumes civil liability in connection with an event.
- (3) A person who fails to exercise reasonable care in connection with the direction or control of an event.
- (4) A person who provides defective materials or products or fails to exercise reasonable care in providing materials or products.

**Sec. 2. An advertiser or sponsor of an event is immune from civil liability for the acts or omissions of:**



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(1) the advertiser or sponsor; and  
(2) any other person;  
in connection with the event.

Sec. 3. An advertiser or sponsor of an event may not be considered to be:

(1) part of a joint venture;  
(2) the principal of an agent; or  
(3) the employer of an employee;  
with regard to a person participating in the event in a capacity other than that of an advertiser or sponsor.

SECTION 5. [EFFECTIVE JULY 1, 2005] IC 34-30-13-1, as amended by this act, applies to a cause of action that arises after June 30, 2005.

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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

Approved: \_\_\_\_\_

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Governor of the State of Indiana

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